

## **REMARKS/ARGUMENTS**

The pending claims have been amended in several respects. Claim 1 has been amended to provide antecedent basis for “aqueous regenerator” and to add the subject matter of cancelled Claim 34 regarding the higher pH.

Claims 2-8, 10-25, 28-36, and 72 have been amended to have a preamble consistent with Claim 1, that is to further define the claimed “combination of an aqueous developer and an aqueous regenerator” and where necessary, to change the claim language for improved readability. As noted in more detail below, the claimed invention is a “combination” of two different aqueous solutions, not a “mixture” (or the end product of mixing) of two solutions. This is clear from Applicants’ teaching on page 4 (lines 16-17) of their application where it is stated that the regenerator is “added” to the developer. Thus, at one point, they are individual solutions, prior to being a mixture. It is this combination of individual solutions that is the subject of the claimed invention.

The subject matter of claim 27 has been combined with that of Claim 28.

It is believed that these amendments, as explained in the following arguments, provide a proper basis for allowance of all pending claims in this application.

### **Rejection Under 35 U.S.C. §§112(1) & (2)**

In paragraphs I-III of the Office Action, Applicants specification has been objected to and Claims 27-32 have been rejected as lacking sufficient support in the original disclosure and as being indefinite because of the lack of proper support.

These rejections are traversed because Applicants have amended Claims 28-32 to call for a “weak” base instead of a “third” base. Applicants describe a “weak” base on page 5 (lines 19-20) of the original disclosure as being an optional component of the aqueous regenerator. Thus, it is not the same base as the “second base” in the aqueous regenerator. The term “weak” is clearly defined by the specific range of  $K_b$  in Claim 28 and on page 5 (lines 19-20).

Thus, the reasons for the Section 112 rejections have been overcome and the rejections should be withdrawn.

**Rejection Under 35 U.S.C. §102(e) Over Aoshima**

In paragraph IV of the Office Action, Claims 1-8, 10-24, 27-36, and 72 have been rejected as lacking novelty over U.S. Patent 6,740,468 (Aoshima). This rejection is respectfully traversed.

The Office Action alleges that Aoshima discloses and teaches a combination of chemical ingredients for developing exposed photolithographic plate precursors having a pH of from 9.0 to 13.5 and comprising a sufficient amount of alkaline agents including sodium hydroxide and diethanolamine and 2-phenoxyethanol as an organic solvent. The Office Action admits that the subject matter of Claims 5, 12, 34-36, and 72 is not described in Aoshima. The Office Action believes that Applicants' claims represent a "product-by-process" that has no "value" since patentability of a "single final product or single material or composition" is being evaluated.

Applicants respectfully disagree with the analysis outlined in the Office Action but they agree that Aoshima describes a single solution comprising some or all of the noted ingredients.

However, Applicants would respectfully point out that the claimed invention is not a single solution. Rather, it comprises two separate solutions that can be combined into a single developer solution upon use. Applicants are not claiming the single solution upon or during use in lithographic development and regeneration. They are claiming a "combination" of two individual solutions (developer and regenerator) that are separately manufactured and packaged. They can be sold together or separately, but they remain individual solutions until their use during processing. They are usually supplied from individual containers to individual developer and regenerator baths during use. They remain individual solutions prior to that time.

The developer and replenisher described in Aoshima is a single solution. The replenisher is the same solution as the developer and is used to "replenish" the spent developer after a period of use. There is no description of separate "developer and replenisher" and "regenerator" solutions. They are not the same type of solutions. While a "replenisher" generally has the same

composition and activity as the original developer and it is added to a processing bath as developer activity lessens, a “regenerator” is a solution having different level of activity than the developer or replenisher (see page 3 of the present application). For example, as recited in amended Claim 1, Applicants’ regenerator solution has a pH at least 0.5 higher than the pH of the developer solution. Aoshima clearly does not describe a “regenerator” solution having such higher activity or pH compared to the developer pH. The developer and replenisher described therein have essentially the same composition.

The Developers described in the examples of Aoshima are merely original single solutions or replenished developer solutions. Even if a regenerator solution was added to those solutions (of which there is no disclosure in Aoshima), the final product would not describe Applicants’ combination of two individual solutions.

Thus, Aoshima does not anticipate or describe Applicants’ claimed “combination” of a separate “developer” solution and a separate “regenerator” solution wherein the pH value differs by at least 0.5.

**Rejection Under 35 U.S.C. §103(a) Over Aoshima with Miller et al.**

In paragraph V of the Office Action, Claim 25 has been rejected as being unpatentable over Aoshima taken with U.S. Patent 5,466,559 (Miller et al.). This rejection is traversed on the merits, but it is to be noted that Claim 25 is patentable by virtue of its dependency upon Claim 1 that is also patentable over Aoshima with Miller et al. Neither Aoshima nor Miller et al., individually or together, describe Applicants’ “combination” of individual developer and regenerator solutions that differ in pH by at least 0.5.

On page 9 of the Office Action, there is mention of “Walls et al.” but it confusing as to whether another reference is applied in the rejection or whether this is a typographical error. No Walls et al. is cited on page 6 in the introduction of the Section 103(a) rejection. Thus, without guidance as to what is being done here in this confusing part of the Office Action, Applicants are taking the position that the rejection is over Aoshima and Miller et al. only and the remarks concerning Walls et al. are being ignored as they do not make any sense and do not comply with standard examination procedure.

**Rejection Under 35 U.S.C. §102(b) Over Miller et al.**

In paragraph VI of the Office Action, Claims 1-8, 10-25, 27-30, 32-36, and 72 have also been rejected as lacking novelty over U.S. Patent 5,466,559 (Miller et al.). This rejection is also respectfully traversed.

The Office Action alleges that Miller et al. discloses and teaches the combined chemical ingredients of a composition for developing exposed lithographic printing plate precursors with a number of the ingredients used in developer compositions. Basically, the Office Action makes the same arguments regarding Miller et al. as it does for Aoshima.

Applicants respectfully disagree with the rejection over Miller et al. Like Aoshima, Miller et al. describes a single developer solution. It does not describe a “combination” of two individual aqueous solutions, one a developer and the other a regenerator as required by Applicants’ claims. As noted above, developer and regenerator compositions are different chemical solutions, even though once mixed, they may be almost the same in composition as the original developer solution. The point is that this invention is directed to the two solutions before use, not a single solution after mixing. The cited teaching in Miller et al. is directed to a final developer composition, not two solutions used to make up or regenerate a developer solution. Thus, Miller et al. cannot anticipate the claimed invention.

**Rejection Under 35 U.S.C. §103(a) Over Walls et al. with Aoshima**

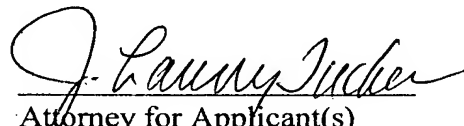
Lastly, in paragraph VII (incorrectly VI on page 12) of the Office Action, Claim 31 has been rejected as unpatentable over U.S. Patent 5,316,892 (Walls et al.) with Aoshima. This rejection is also traversed on the merits but also because Claim 31 has patentability by virtue of its dependency upon patentable Claim 28 that is dependent upon patentable Claim 1.

The Office Action (pages 12-15) refers to Miller et al. so it is again very confusing as to what reference is being applied since Miller et al. is omitted from the heading of the rejection on page 12. Without further guidance in this confusing situation, Applicants are taking the position that the rejection is meant to be over Walls et al. and Aoshima. Thus, the comments about Miller et al. are being ignored as they do not make any sense and fail to comply with standard examination procedure.

Miller et al. (US 5,466,559) is cited in paragraph VII (page 15) of the Office Action as being "made of record" and as "cumulative". This is also confusing since this reference is cited in some previous paragraphs in relation to certain rejections. If another "Miller et al." is meant, Applicants don't have a clue what reference is being considered, but not cited, by the Examiner. Thus, this statement in paragraph VII is being ignored.

In view of the foregoing amendments and remarks, reconsideration of this patent application is respectfully requested. A prompt and favorable action by the examiner is earnestly solicited.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.